

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging consideration of each of the references cited on PTO-1449 forms which accompanied Information Disclosure Statements previously submitted by Applicants on August 19, 2005, July 8, 2005, May 16, 2005, February 23, 2005, February 4, 2005, March 15, 2004, May 30, 2002.

In the above-noted Official Action, claims 1-3, 9-15 and 21-23 were rejected under 35 U.S.C. §102(e) over KEMPPAINEN (U.S. Patent No. 6,671,365). Claims 4, 6, 16 and 18 were rejected under 35 U.S.C. §103(a) over KEMPPAINEN in view of OKAMURA (U.S. Patent No. 6,931,115). Claims 5 and 17 were rejected under 35 U.S.C. §103(a) over KEMPPAINEN in view of FULLER et al. (U.S. Patent No. 6,453,164). Claims 7 and 19 were rejected under 35 U.S.C. §103(a) over KEMPPAINEN in view of CULLI et al. (U.S. Patent No. 6,304,641). Claims 8 and 20 were rejected under 35 U.S.C. §103(a) over KEMPPAINEN in view of CULLI, and further in view of PUGH et al. (U.S. Patent No. 5,483,582). Applicants respectfully traverse each of the outstanding rejections.

Upon entry of the present amendment, claims 1-23 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 24-46 will have been added for consideration by the Examiner. In this regard, claims 24-46 recite combinations of features

similar to the combinations of features recited in original claims 1-23.

However, claims 24-46 have been revised to eliminate informalities and to clarify the nature of the features recited therein.

Applicants traverse the rejection of claims 1-3, 9-15 and 21-23 over KEMPPAINEN. In this regard, claim 24 is directed to a “service control point for controlling an outbound call using a subscriber's outbound call rule information”. Claim 24 further recites features of “a receiver that receives the outbound call rule information; a memory that stores the outbound call rule information... wherein the stored outbound call rule information is configurable by a subscriber and is comprised of at least one rule”. In contrast, none of the teachings of KEMPPAINEN are directed to controlling an outbound call, let alone the numerous related features recited in claim 24.

Further, the only mention in KEMPPAINEN of a “service control point” is at col. 9, line 20, wherein KEMPPAINEN discloses that a “control interface may be implemented... at an installation generally known as a service control point”. However, the control interface 609 as described at col. 8, line 63 to col. 9, line 21 is a component of a “server or... computer device 600” which also includes “browser units 605”. The “control interface 609 is... provided for a human user to control the operation of the server”. As described in KEMPPAINEN, incoming calls received by the “server or... computer device 600” are allocated a browser, and routed from the “server

or... computer device 600" with reference to routing information on web pages located by the browser.

Applicants' particularly note that this functionality of the above-noted "server or... computer device 600" is evidenced by the Abstract of KEMPPAINEN, which discloses that "a call is established from a terminal to a first server, where said call is associated with a network browser [that is] used to locate and download a stored file and the contents of the downloaded stored file are interpreted". The "interpreted contents of the downloaded stored file are used to control said call".

In other words, KEMPPAINEN is directed to routing incoming calls received at a server by referencing web pages with provisionable call control information, and the only reference to a service control point is that the control interface 609 may be implemented at a service control point so that a human user can control the operation of the server. However, there is no teaching at any portion of KEMPPAINEN that the service control point is directed to the numerous features of a service control point recited in claim 24. Rather, substantially the entirety of the applied teachings of KEMPPAINEN relate to controlling incoming calls by directing incoming calls to a server which may be controlled by a human user using a "control interface 609", where the control interface may be implemented at a service control point.

Accordingly, KEMPPAINEN does not disclose or suggest the "service control point" as recited in claim 24. In particular, KEMPPAINEN does not disclose or suggest at least "a sender that sends at least one service control point control message based on action information when a switch message is received and a condition based on condition information is met". Further, KEMPPAINEN does not disclose "the switch message being received from a switch at the service control point in response to the outbound call being placed to a dialed number and received at the switch" or "the service control point control message being sent to the switch for controlling the outbound call received at the switch". Rather, KEMPPAINEN is directed to routing an incoming call, received at a server, from the server, and is not in any way related to sending a service control point message to a switch for controlling an outbound call received at the switch. Accordingly, Applicants submit that the combination recited in claim 24 is not disclosed or suggested by the teachings of KEMPPAINEN.

Applicants further submit that the method of independent claim 35 is allowable for reasons similar to the above-noted reasons for the allowability of claim 24. In this regard, KEMPPAINEN does not disclose a "method for controlling an outbound call using a subscriber's outbound call rule information" as recited in claim 35. Further, KEMPPAINEN does not disclose or suggest at least "storing the outbound call rule information at a service control point" or "sending from the service control point to a switch at least one service control point control message based on action information when a switch message is

received and a condition based on condition information is met". Additionally, KEMPPAINEN does not disclose or suggest at least "the switch message being received from the switch at the service control point in response to the outbound call being placed to a dialed number and received at the switch" or "the service control point control message being sent to the switch for controlling the outbound call received at the switch". Accordingly, Applicants submit that the combination recited in claim 35 is not disclosed or suggested by the teachings of KEMPPAINEN.

Applicants further submit that it would not be possible to modify KEMPPAINEN to obtain the combinations recited in Applicants' claims without destroying the teachings of KEMPPAINEN. In this regard, KEMPPAINEN is directed to controlling call routing for incoming calls at a server that receives the calls. In contrast, exemplary claim 24 is directed to a service control point for controlling an outbound call. However, a service control point does not receive calls; rather, the service control point of claim 24 forwards a service control point control message to a switch for controlling an outbound call received by the switch. The server of KEMPPAINEN could not be modified to include such features without replacing the server wholesale with the features recited in Applicants' claim 24. Independent claim 35 is directed to a related method, and the server of KEMPPAINEN could not be modified to perform such a method without replacing the server wholesale with the features recited in Applicants' claim 35.

Further, there is no proper motivation to modify KEMPPAINEN in the wholesale manner that would be required as noted above. Rather, the only motivation to modify KEMPPAINEN in the manner required to obtain Applicants' claims would be the improper motivation to obtain Applicants' claims in hindsight.

Therefore, Applicants submit that each of independent claims 24 and 35 is allowable, at least for each and all of the reasons noted above. Applicants further submit that each of dependent claims 25-34 and 36-46 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

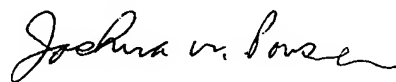
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance, and believe that this has now been done. Applicants have discussed the features recited in Applicants' claims, and have shown how the combination of features recited in Applicants' claims are not disclosed, suggested or rendered obvious by the references cited by the Examiner. Accordingly, reconsideration and withdrawal of the outstanding rejection, as well as an indication of the allowance of each of the pending claims, is respectfully requested.

Any new claims which have been added in this amendment, and which have not been specifically noted as being added to overcome a rejection based upon the prior art, should be considered to have been added for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Thomas McBLAIN et al.



Joshua M. Povsner  
Reg. #42,086

Bruce H. Bernstein  
Reg. No. 29,027

April 18, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191